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HEWLETT-PACKARD COMPANY
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In re Application of	:	
Amir Said	:	DECISION ON PETITION TO
Application No. 09/912,278	:	WITHDRAW HOLDING OF
Filed: 24 July, 2001	:	ABANDONMENT
Attorney Docket No. PDNO	:	
10006298-1	:	

This is a decision on the "PETITION TO WITHDRAW HOLDING OF ABANDONMENT" filed on 21 June, 2006.

The petition is **GRANTED**.

The application was held abandoned for failure to timely respond to the Notification of Non-Compliant Appeal Brief mailed on 25 July, 2005. Notice of Abandonment was mailed on 2 June, 2006.

Petitioner asserts that a response to the Office communication was timely filed on 3 August, 2005. In support, petitioner has supplied a copy of an "Response to Notification of Non-Complaint Appeal Brief" and transmittal letter which contains a Certificate Under 37 CFR 1.8 dated 3 August, 2005, signed by registered patent attorney Hugh P. Gortler. Petitioner has also supplied a copy of the USPTO's Auto-Reply Facsimile Transmission showing five (5) pages, including the first page of the reply, were received at the USPTO on 3 August, 2005.

Any petition to withdraw the holding of abandonment based on a Certificate of Transmission by facsimile must include the following requirements:

- (1) A copy of the original response bearing a signed Certificate of Transmission which includes the date of signing; and
- (2) A statement under 37 CFR 1.8(b)(3) attesting to the personal knowledge of transmitting the **original** response on the date indicated on the Certificate of Transmission (see 37 CFR 1.8 and MPEP 512).

As the present petition is signed by attorney Gortler and states that the reply was filed on 3 August, 2005, this paper will be construed as constituting the statement required by item (2) above.

As petitioner has provided convincing evidence that a reply to the Office communication was transmitted to the USPTO on 3 August, 2005, the showing of record is that a response was timely filed, and there is no abandonment in fact. Any inconvenience caused to applicant is regretted.

The application is being referred to Technology Center Art Unit 2624 for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (571)272-3231.



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Office of Petitions